

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN LONG,

Plaintiffs,

-against-

THE CITY OF MOUNT VERNON, MOUNT VERNON
POLICE DETECTIVE ANTONINI, MOUNT VERNON
POLICE DETECTIVE “PUFF”, Individually and Officially

Defendants.
-----X

**ANSWER TO
COMPLAINT**

18 CV 9068 (NSR)(LMS)

Jury Trial Demanded

Defendants, THE CITY OF MOUNT VERNON, MOUNT VERNON POLICE
DETECTIVE ANTONINI, MOUNT VERNON POLICE DETECTIVE “PUFF”,
Individually and Officially by their attorneys, The Quinn Law Firm PLLC, for their Answer
to Plaintiff’s Complaint (the “Complaint”), respectfully allege, upon information and
belief, as follows:

I. PARTIES

1. Deny knowledge or information sufficient to form a belief as to the truth of
the allegations set forth in paragraph “I(A)” of the Complaint.

2. Deny knowledge or information sufficient to form a belief as to the truth of
the allegations set forth in paragraph “I(B)” of the Complaint.

II. STATEMENT OF THE CLAIM

3. Deny knowledge or information sufficient to form a belief as to the truth of
the allegations set forth in paragraphs “II(A)”, “II(B)”, and “II(C)” of the Complaint.¹

4. Deny all allegations set forth in paragraph “II(D)” of the Complaint.²

¹ Paragraphs “II(A)” and “II(B)” of the Complaint are blank.

² The allegations set forth in paragraph “II(D)” are continued on the fourth sequential page of
plaintiff’s complaint, and Defendants’ deny those allegations as well.

III. INJURIES

5. Deny all allegations set forth in paragraph “III” of the Complaint.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs “IV(A)”, “IV(B)”, “IV(C)”, “IV(D)”, “IV(E)”, “IV(F)”, and “IV(G)” of the Complaint.

V. RELIEF

7. Deny all allegations set forth in paragraph “V” of the Complaint.

VI. PREVIOUS LAWSUITS

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs “VI(A)”, “VI(B)”, “VI(C)”, and “VI(D)” of the Complaint.

AFFIRMATIVE DEFENSES

As and For a First Affirmative Defense

9. The Complaint fails to state a claim upon which relief may be granted.

As and For a Second Affirmative Defense

10. Plaintiff’s damages, if any are proven, were not proximately caused by Defendants.

As and For a Third Affirmative Defense

11. The City of Mount Vernon is protected by the doctrine of municipal immunity.

As and For a Fourth Affirmative Defense

12. In the absence of an underlying constitutional violation, any Section 1983 claims fail as a matter of law.

As and For a Fifth Affirmative Defense

13. There was no unlawful arrest or unlawful imprisonment of Jonathan Long by any officers named in this suit.

As and For a Sixth Affirmative Defense

14. There was no excessive force or battery of Jonathan Long by any officers named in this suit.

As and For a Seventh Affirmative Defense

15. There was no assault of Jonathan Long by any officers named in this suit.

As and For an Eighth Affirmative Defense

16. In the absence of an underlying constitutional violation, any municipal liability claim against the City of Mount Vernon fails as a matter of law.

As and For a Ninth Affirmative Defense

17. Any municipal liability claim against the City of Mount Vernon fails as a matter of law because no custom, policy or practice of the City of Mount Vernon- or failure to adopt any custom, policy or practice- proximately caused plaintiff's alleged injuries.

As and For a Tenth Affirmative Defense

18. Punitive damages are not available against the City of Mount Vernon.

As and For an Eleventh Affirmative Defense

19. Probable cause to stop and search Jonathan Long existed.

As and For a Twelfth Affirmative Defense

20. At all times relevant hereto, Defendants acted in good faith and took appropriate action in the discharge of their official duties.

As and For a Thirteenth Affirmative Defense

21. Any injuries alleged to have been sustained by Plaintiff resulted from the

culpable or negligent conduct of others and were not the proximate result of any act of Defendants.

As and For a Fourteenth Affirmative Defense

22. Any injuries alleged to have been sustained by Plaintiff resulted from the culpable or negligent conduct of Plaintiff and were not the proximate result of any act of Defendants.

As and For a Fifteenth Affirmative Defense

23. Defendants have not violated Plaintiff's constitutional, human, or statutory rights.

As and For a Sixteenth Affirmative Defense

24. Any and all officers named in this suit are protected by the doctrine of absolute immunity.

As and For a Seventeenth Affirmative Defense

25. Any and all officers named in this suit are protected by the doctrine of qualified immunity.

As and For an Eighteenth Affirmative Defense

26. Plaintiff failed to mitigate his alleged damages.

As and For a Nineteenth Affirmative Defense

27. There was no unlawful search of Jonathan Long.

As and For a Twentieth Affirmative Defense

28. There was no unlawful search of Jonathan Long by any officers named in this suit.

WHEREFORE, Defendants, THE CITY OF MOUNT VERNON, MOUNT VERNON POLICE DETECTIVE ANTONINI, and MOUNT VERNON POLICE DETECTIVE “PUFF”, demand judgment:

- I. Dismissing the Complaint in its entirety with prejudice;
- II. An order awarding Defendants the costs, disbursements, expenses and reasonable attorney’s fees incurred in defending this action and such other relief as this Court may deem just and proper.

Dated: White Plains, New York
February 5, 2019

Respectfully submitted,

THE QUINN LAW FIRM

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